

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,631
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Training and Health Access (PATH) denying her General Assistance benefits to cover housing.

FINDINGS OF FACT

1. The petitioner is a forty-eight-year-old woman who lives alone and is mentally disabled. Her sole source of income is \$541 per month from Social Security benefits.

2. The petitioner has a long history of eviction from numerous housing situations due to non-payment of rent. She is unable to manage her own affairs due to her mental illness but thus far has been unwilling to entrust her affairs to anyone else. She has been unable to get a Section 8 subsidized housing certificate due to her history of non-payment of rent.

3. The petitioner last lived in a private apartment about two years ago. Following her eviction from that apartment, she went to live with her daughter where she

remained for many months. Last spring when her daughter was forced to move from her two-bedroom trailer to a one-bedroom apartment, the petitioner moved to a shelter in Rutland. She was assisted by the local Community Action Program with her rent for a couple of weeks. She was initially charged \$35 per week for that housing but later the rent was increased to \$80 per week. After two and a half months, the petitioner was put out of the shelter for failure to pay the rent. The petitioner says the non-payment was a mix up and that she tried to pay the money after her check "bounced" but that the shelter would not allow her to do so. Because she had been ejected from one shelter, no other shelters in the area would assist her.

4. On August 11, 2000, the local police took the petitioner to a motel and the Salvation Army paid for a few nights. The Benefits Coordinator at the Department of Vocational Rehabilitation who has been trying to help the petitioner get permanent housing since July 6, 2000, assisted the petitioner in applying for General Assistance benefits at the PATH office on August 14, 2000.

5. The Department reviewed the petitioner's application and concluded that she was not eligible for ordinary general assistance because her \$541 per month income was in excess of

what the regulations considered adequate to provide shelter. The Department next looked to see if the petitioner had experienced a "catastrophic" loss of housing due to an eviction beyond her control. The Department concluded that she did cause her own eviction from the shelter by failing to pay the rent. In addition, the Department could not determine what the petitioner had done with all her money for the past thirty days. Her checkbook accounted for all but \$100 of her money and included a \$200 payment for furniture storage, an \$80 payment for a U-Haul and a \$71 repayment of money borrowed from her daughter. The Department concluded that the petitioner's use of funds on the three items listed above was mismanagement and that those funds should have gone for her shelter. Finally, the Department concluded that the petitioner should have been able to resolve her housing crisis during the ten weeks in which she was in the shelter and concluded that the situation was of her own making. The Department denied the petitioner benefits and gave her its decision in writing. A review that same day by the Director upheld the lower decision because the petitioner was over-income and had not presented a catastrophic situation. That decision was mailed to her August 21, 2000.

6. The petitioner says she has been looking for housing daily since she moved to the shelter but with no success. The benefit coordinator has also had no success with her efforts to find housing. She says that the petitioner is severely hampered by her low income, her inability to get a housing subsidy due to her past evictions and her lack of positive references from landlords.

7. After the denial, the Benefits Coordinator called a community mental health organization to ask for assistance. The organization was familiar with the petitioner but was reluctant to become involved with her because she had refused medical treatment. The petitioner persuaded a local church to pay for three more days at the motel for the petitioner. In the meantime, the mental health agency relented and placed the petitioner in one of its apartments for a sixty day period. She is expected to be able to stay there until mid-October. If the petitioner is willing to obtain a payee and to participate in medical treatment, the mental health agency will agree to help her for a longer period of time.

ORDER

The decision of the Department is affirmed.

REASONS

The General Assistance program exists to meet an "emergency need" which cannot be met by any other program. W.A.M. 2600(A). If an emergency is found to exist, the program first looks to see if the disabled individual has received income in the last thirty days which is below the ANFC level for a similar size household and whether all income and resources have been exhausted to meet the need. W.A.M. 2600. If the applicant had money at or above that standard, the Department looks to see whether a "catastrophic" situation has occurred as defined in its regulations. W.A.M. 2602. Homelessness is considered catastrophic if it occurred due to a death in the family, a natural disaster or a court-ordered eviction over which the applicant had no control. W.A.M. 2602 (a)(b) and (c). Eligibility depends further on the petitioner's demonstrating the exploration of alternative resolutions and a lack of ability to avert the catastrophe. W.A.M. § 2602.

The petitioner may indeed have had an "emergency need" on August 14, 2000, the day she came in to apply for General Assistance. However, she was, with the diligent assistance of her Vocational Rehabilitation Coordinator, able to resolve that emergency in a few days by obtaining housing through a

community mental health organization. At the time of the hearing on her need for General Assistance, she had no present emergency. Without a present emergency, there can be no eligibility for General Assistance. W.A.M. 2600. Therefore, it is not necessary to determine whether the Department was correct in determining that the petitioner's situation was not "catastrophic".¹

The petitioner may apply for GA at any time in the future if she feels she has an emergency need. She may ask for an expedited fair hearing if she is denied. The merits of the situation will be examined at that time. However, the petitioner should be aware that it is unlikely that she will be found to meet the requirements for GA eligibility if she cannot show the responsible use of her money. She is urged to consider obtaining a financial payee at the earliest possible moment.

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¹ The petitioner's income for the preceding thirty days was in excess of the comparable ANFC standard thus making the petitioner eligible only under the catastrophic category. W.A.M. 2600(c (1)).